

Remarks

Claims 1-5, 7, 9-10, and 12-20 remain pending in the application with claims 1 and 13 being in independent form. Claims 6, 8, and 11 were previously cancelled.

Claims 1-5, 7, 9, 10, and 12 are allowed. Applicant appreciates the allowance of these claims and agrees with the thrust of the Examiner's statement of reasons for allowance. Applicant, however, provides the following clarification to the statement: the electric motor is mounted within a spindle chamber wherein the spindle chamber also supports an inner ring gear. A wheel hub has a hub chamber supporting an outer ring gear.

Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hvolka (U.S. Patent No. 5,356,351). Also, claims 15-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Hvolka, Rosen ('376), and Knoblock et al. ('000). Claim 20 is allowable if rewritten in independent form.

Applicant hereby traverses the rejections made by the Examiner. In Applicant's first Response of July 10, 2003, Applicant contended that claim 13 set forth the following unique combination;

- a non-rotating spindle,
- a wheel hub rotatably supported on the spindle,
- a reduction gear assembly mounted within the hub having an input and an output coupled to the hub, and
- an electric motor mounted within the spindle having an output shaft coupled to the input to drive the wheel hub.

Applicant also argued that the references considered by the Examiner did not disclose *an electric motor mounted within an interior chamber of the spindle*. As mentioned in the current Official Action, these contentions and arguments were persuasive.

However, the Examiner has now formulated a new ground of rejection based on the Hvolka reference. In particular, the Examiner contends that the Hvolka reference discloses "an electric motor (10) wherein a housing of the motor is mounted within the bore of the spindle". Having this alleged configuration, the Examiner states that the invention as claimed in claim 13 is anticipated by the Hvolka reference. The Hvolka

reference is also used as the base reference for all of the obviousness rejections of the subsequent dependent claims.

It is respectfully submitted that the Examiner has misinterpreted the disclosure of the Hvolka reference as it relates to the electric motor. Referring to Column 2, lines 12-21, and Figures 1, 3, and 4 of the Hvolka reference, a right angle drive unit (10) is seen in Figure 3. The drive unit (10) includes the following parts;

- a universal joint (11), seen in FIG. 4;
- a drive shaft, not visible but extends into the plane of the paper in FIG. 1;
- a shaft (14), seen in FIG. 1; and
- a housing (18), seen in FIG. 1.

The drive shaft is connected to one end of the universal joint (11) and the shaft (14) is connected to the other end of the universal joint (11). The housing (18) supports the shaft (14) and provides a means to locate the shaft (14) within a fixed spindle (20).

Apparently the Examiner is interpreting the right angle drive unit (10) as the electric motor with the housing (18) being a portion of the alleged electric motor. The housing (18) is disposed within the spindle such that the Examiner concludes that the electric motor is also disposed within the spindle. This interpretation is simply incorrect.

As stated at Column 2, lines 15-17, a drive is supplied to the drive shaft of the right angle drive unit (10) "from a prime mover, usually an electric motor." Hence, the electric motor is connected to the drive shaft at an opposing end from the universal joint (11). As such, the electric motor is positioned at a significant distance away from the spindle and is in no way "mounted within said interior spindle chamber" as required by independent claim 13. The right angle drive unit (10), as well as the shaft (14) and housing (18), are analogous to the "motor output shaft" required by claim 13.

Upon a proper interpretation of the Hvolka reference, this reference, as well as the other prior art of record, fails to provide a teaching or suggestion of using an electric motor *within* a non-rotating spindle to drive an output shaft within a wheel hub. Hence, claim 13 is believed allowable and claims 14-20 are also believed allowable as these claims depend from the novel features of claim 13.

It is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is

authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

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CERTIFICATE OF MAILING

I hereby certify that the attached **Amendment** is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on December 24, 2003.


Brenda J. Hughes

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